

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

FILIBERTO J. GARZA MORENO,

Plaintiff,

VS.

**ALLEGIANT TRAVEL COMPANY,
ALLEGIANT AIR LLC, AND AIRPORT
TERMINAL SERVICES INC.**

Defendants.

[illegible]

Case No.

NOTICE OF REMOVAL

COMES NOW, Defendants Allegiant Travel Company and Allegiant Air, LLC (hereinafter collectively referred to as “Allegiant”), and files this Notice of Removal of the case *Filiberto J. Garza Moreno v. Allegiant Travel Company, Allegiant Air, LLC, and Airport Terminal Services, Inc.*, Cause No. C-1977-21-E, filed in the 275th Judicial District Court of Hidalgo County, Texas, and thereby removes this case to federal court on the ground of diversity jurisdiction under 28 U.S.C. § 1332. Allegiant respectfully alleges as follows:

1. On May 24, 2021, Plaintiff Filiberto J. Garza Moreno filed his Original Petition in the 275th Judicial District Court of Hidalgo County, Texas, asserting claims against Allegiant and Airport Terminal Services, Inc. arising out of an incident which allegedly occurred on June 13, 2019.
2. The Original Petition, along with the served Citations, is attached hereto as Exhibit “A.”
3. The docket sheet from the Hidalgo County court records website is attached hereto as Exhibit “B.”

4. The Original Petition, Citations and Allegiant's Original Answer are the only documents filed in the action to date in state court.

5. Allegiant was served with the Original Petition and Citations on May 26, 2021. *See* Ex. A. Allegiant filed an Original Answer on June 18, 2021, attached hereto as Exhibit "C."

6. According to the Original Petition, "Plaintiff Filiberto J. Garza Moreno is an individual who resides in Brownsville, Cameron County, Texas." Ex. A at p.1, ¶ 3.

7. Allegiant Travel Company is a foreign business entity. Allegiant Travel Company is incorporated in Nevada with its headquarters and principal place of business at 1201 N Town Center Drive, Las Vegas, Nevada 89144. It has a registered agent in Texas but does not have its principal place of business in Texas.

8. Allegiant Air, LLC is a foreign business entity. Allegiant Air, LLC is a single-member LLC with its sole member as follows: Allegiant Travel Company, a corporation existing under the laws of the State of Nevada with its principal place of business at 1201 N Town Center Drive, Las Vegas, Nevada 89144. Ex. D, Declaration of Laura Overton, at ¶ 4(a). Ex. D, Declaration of Laura Overton at ¶ 3-4.

9. Airport Terminal Services, Inc. is a foreign business entity. Airport Terminal Services, Inc. is incorporated in Missouri with its headquarters and principal place of business at 940 Westport Plaza, Suite 101, St. Louis, Missouri 63146. It has a registered agent in Texas but does not have its principal place of business in Texas.

10. The amount in controversy exceeds \$75,000. Plaintiff has alleged in his Original Petition that "Plaintiff is seeking monetary relief from Defendants in the amount of \$10,000,000.00." Ex. A at p.1, ¶ 2.

11. Plaintiff demanded a jury trial in state court. Ex. A at p.7, ¶ 18. Defendant additionally demanded a trial by jury. *See* Ex. C.

12. This Court has subject matter jurisdiction over this action because Plaintiff, a citizen of Texas, is of diverse citizenship from the Defendants, Allegiant, citizens of Nevada and Airport Terminal Services, Inc., a citizen of Missouri, satisfying the requirements of 28 U.S.C. § 1332.

13. Allegiant has obtained consent from Airport Terminal Services, Inc. for this action to be removed, who joins in this removal. Allegiant will be filing its own independent joinder.

14. Removal of this action is timely because it is being removed within 30 days of service upon Allegiant on May 26, 2021.

Dated June 21, 2021.

Respectfully submitted,

/s/ Don Swaim

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**ATTORNEYS FOR DEFENDANTS
ALLEGiant TRAVEL COMPANY AND
ALLEGiant AIR LLC**

CERTIFICATE OF SERVICE

I hereby certify that I have complied with the provisions of the Federal Rules of Civil Procedure by serving a copy of the foregoing document on this 21st day of June 2021, to all counsel of record who have entered an appearance in this action.

/s/ Don Swaim

Don Swaim